

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5145 of 2021

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Parvati Devi @ Parwati Devi W/o Vijay Kumar Resident of Village/ Moh.-
Sameer Takya, Ward No. 11, Gaya Town, Police Station- Rampur, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Sadar Gaya.
4. The Assistant Districty Supply Officer, Sadar Gaya.
5. The Block Supply Officer, Town Block, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2021 Heard the learned counsel for the petitioner and Sri

Upendra Pratap Singh, learned AC to SC 4 appearing for the

State.

The present petition has been filed for quashing the
order dated 29.06.2020, whereby and whereunder the P.D.S.
license of the shop of the deceased husband of the petitioner
bearing License no. 148 of 2016 has been cancelled.

The short issue raised for consideration by the learned
counsel for the petitioner is that a bare perusal of the impugned
order dated 29.06.2020 would show that the decision of
cancelling the P.D.S. license of the deceased husband of the



petitioner has been taken on the basis of the recommendation made by the Assistant District Supply Officer, Sadar, Gaya contained in his letter dated 27.02.2020, hence it is apparent that the S.D.O. Sadar, Gaya has not applied his independent mind, resulting in the impugned order being vitiated in the eyes of law.

The learned counsel for the respondent State has not disputed the position, as is existing in law.

Having heard the learned counsel for the parties and having gone through the facts and circumstances of the case, this Court finds that the licensing authority i.e. the S.D.O. Sadar, Gaya who was/ is required to take a decision by applying his independent mind and that too, after considering the reply furnished by the P.D.S. dealer, has acted solely on the basis of the recommendation of the Assistant Supply Officer, Sadar, Gaya contained in his letter dated 27.02.2020, however has failed to apply his independent mind, much less furnish any cogent, succinct or clear reasons for coming to a decision regarding cancellation of the P.D.S. license of the deceased husband of the petitioner, thus the impugned order stands vitiated in the eyes of law, hence is quashed. However, the S.D.O. Sadar, Gaya is granted liberty to pass fresh orders after applying his independent mind as also upon consideration of the



reply submitted by the P.D.S. dealer, within a period of four weeks from today.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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